

I recently received a phone call consisting solely of a prerecorded message. After an initial introduction by a prerecorded message, I was asked questions by an additional series of prerecorded messages and I was instructed to respond to these questions by pressing numbers on my telephone keypad. Within a few days I received another call from the same company, and a live representative of the company transmitted their unsolicited advertisement.

Obviously the purpose of the initial prerecorded message was to determine who was worth a call back by a live representative of the company. Thus this call was of commercial intent. Thus this call was subject to 47 CFR 64.1200(a)(2) and not exempted by 47 CFR 64.1200(c)(1). However, the call did not transmit an unsolicited advertisement, and thus it was exempted by 47 CFR 64.1200(c)(2).

The initial prerecorded message offered no way for me to leave my do-not-call request, nor any way for me to request a copy of their written policy.

Presumably the intent of 47 USC Section 227(b)(1)(B) and 47 CFR 64.1200(a)(2) is to reduce the number of telephone calls I receive at my residence that consist solely of artificial or prerecorded messages. In 47 USC Section 227(b)(2)(B) congress provides that the commission *may*, by rule or order, exempt from the requirements of paragraph 227(b)(1)(B) calls that do not include the transmission of any unsolicited advertisement. The FCC included this exemption in 47 CFR 64.1200(c)(2). I hereby request that the FCC reconsider this exemption and drop 47 CFR 64.1200(c)(2) as allowed by 47 USC Section 227(b)(2)(B).